

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME ELI MCCOY,
Petitioner,
v.
SACRAMENTO COUNTY JAIL,
Respondent.

No. 2:22-cv-2182 KJM DB P

ORDER

Petitioner, a pretrial detainee, filed a petition for it of habeas corpus under 28 U.S.C. § 2254. On January 12, 2023, this court recommended this action be dismissed without prejudice to its renewal as civil rights action under 42 U.S.C. § 1983. In a document filed January 19, 2023, petitioner seeks appointment of an investigator. That motion is premature because this court has recommended the petition be dismissed. If the district judge permits petitioner to proceed with this action, he may renew his request for an investigator.

Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment of an investigator (ECF No. 6) is denied.

Dated: January 27, 2023



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE